

REMARKS

A Final Office Action, dated February 14, 2006, for the above-referenced patent application has been carefully reviewed in which: Claims 1-4, 6-9, 11-14, 17 and 18 are rejected under 35 USC 102 as being anticipated by US Publication No. 2003/0092451 A1 (hereinafter, "Holloway"); claims 5 and 15 are rejected under 35 USC 103 as being unpatentable over Holloway in view of US Publication No. 2003/0140145 A1 (hereinafter, "Lindberg"); and claims 10 and 16 are rejected under 35 USC 103 as being unpatentable over Holloway in view of US Publication No. 2002/0137498 A1 (hereinafter, "Goss") Reconsideration of the above-referenced patent application in light of the foregoing amendments to the claims and the following remarks is respectfully requested.

Claims 1-18 are pending in the above-referenced patent application. No claims have been added or canceled. Claims 1, 2, 4, 5, 6, 7, 10, 11, 12, 15 and 17 have been amended. However, it is respectfully asserted that these claims have not been amended in light of prior art and that these claims have not been narrowed. Rather, these claims have either been broadened or informalities that do not affect claim scope have been addressed. Therefore, it is respectfully asserted that no prosecution history estoppel results from the foregoing amendments.

Claims 1-4, 6-9, 11-14, 17 and 18 are rejected under 35 USC 102 as being anticipated by Holloway. This rejection by the Examiner of these claims is respectfully traversed.

It is noted that to make a prima facie case of anticipation the Examiner must cite a single document that includes each and every element and limitation of the rejected claim(s). If even a single element or limitation is not present in the cited document, the Examiner has failed to make a prima facie case. It is respectfully asserted that in this instance the Examiner has failed to meet his burden and has not successfully made such a case.

Beginning with claim 1, Assignee respectfully submits, as indicated in the previous response, that Holloway does not teach or suggest sending to a terminal a proposal of an address of another communication system. Likewise, Holloway does not teach or suggest utilizing a data transmission set up between the terminal and a first communication system to send the proposal. Therefore, each and every element and limitation of claim 1 is not shown or described by Holloway.

The Examiner has asserted that transmission of a preferred phone number, as described in Holloway, meets the claims limitations asserted to be absent. However, it is respectfully asserted that the Examiner is mistaken.

For example, as recited in claim 1 and just explained, a proposal of an address of another communication system is sent. However, this proposal is sent by utilizing a data transmission connection set up between a terminal and a first communication system. As a result, a difference from Holloway, for example, is that a contact may be redirected to a previously unknown terminal, although this is merely an example for purposes of illustration and it is specifically not intended to limit the scope of claim 1 to this example. Holloway does not appear to recognize the aspect of a proposal which may permit previously unknown terminals to be considered for redirection. Again, this example is not intended in any way to limit the scope of claim 1. This is

merely an example to illustrate that Holloway does not suggest or describe a proposal or even appear to recognize the desirability of a proposal.

For at least this reason, Assignee respectfully submits that Holloway does not anticipate claim 1. Assignee respectfully submits that independent claim 1 patentably distinguishes from Holloway. It is therefore respectfully requested that the Examiner withdraw his rejection of claim 1.

Likewise, the remaining rejected claims, claims 2-4, 6-9, 11-14, 17 and 18 either depend from claim 1 or contain similar limitations and, therefore, patentably distinguish from Holloway on at least the same basis or a similar basis. Assignee therefore respectfully requests that the Examiner withdraw his rejection of these claims as well.

The Examiner has also rejected claims 5 and 15 under 35 USC 103 as being unpatentable over Holloway in view of Lindberg. This rejection of these claims is also traversed.

As discussed above, Holloway does not contain every element and limitation of claims 1 or 11. Likewise, Lindberg does not cure the deficiency noted above with respect to Holloway. Claims 5 and 15 depend from claims 1 and 11, respectively. Therefore, claims 5 and 15 patentably distinguish from the cited patents on at least the same basis as claims 1 and 11. Assignee therefore respectfully requests that the Examiner withdraw his rejection of these claims.

The Examiner has also rejected claims 10 and 16 under 35 USC 103 as being unpatentable over Holloway in view of Goss. This rejection of these claims is also traversed.

Again, as discussed above, Holloway does not contain every element and limitation of claims 1 or 11. Likewise, Goss does not cure the deficiency noted above with respect to Holloway. Claims 10 and 16 depend from claims 1 and 11, respectively. Therefore, these claims also patentably distinguish from the cited patents on at least the same basis. Assignee therefore respectfully requests that the Examiner withdraw his rejection of these claims.

For at least the reasons above, Assignee respectfully submits claims 1-18 are allowable and requests that the Examiner permit these claims to proceed to issuance. Although additional arguments are believed to exist for distinguishing the cited patents, the foregoing is believed sufficient to address the Examiner's rejections. Likewise, failure of the Assignee to respond to a position taken by the Examiner is not an indication of acceptance or acquiescence of the Examiner's position. Instead, it is believed that the Examiner's positions are rendered moot by the foregoing and, therefore, it is believed not necessary to respond to every position taken by the Examiner with which Assignee does not agree.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 50-3703.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the above-referenced patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the above-referenced patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

Berkeley Law and Technology Group, LLC

Dated: _____

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